

REMARKS/ARGUMENTS

Amendments

Before this Amendment, claims 50-54 were present for examination. No claims are amended. No claims are cancelled. Therefore, claims 50-54 are present for examination, and claim 50 is the independent claim. Applicants respectfully request reconsideration of this application.

The Office Action initially rejected claims 50-54 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Liston, U.S. 3,817,425 ("Liston") in view of the cited portions of Hamblin, U.S. 6,607,522 ("Hamblin").

35 U.S.C. §103(a) Rejection, Liston, Hamblin

The Office Action initially rejected claims 50-54 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of Liston in view of the cited portions of Hamblin.

Applicants submit that Liston discloses a specimen dispenser used to dispense a sample liquid and a reagent liquid. *See* Liston at Abs. Liston further discloses a mixing assembly 270 which includes two vessels 280 and 290 connected together by a three-way valve 300. When the three-way valve 300 is in the "discharge" position, material from microsyringe 280 is mixed with material in microsyringe 290 and conveyed through a tube 226 to a probe assembly 260. *See Id.* at col. 3, ll. 34-36, col. 4, ll. 51-66 and Figure 9. Liston fails to disclose at least the limitation of "decoupling said second syringe from said first syringe so as to permit manipulation of said second syringe" as recited by claim 50. As described in Liston and, more particularly, as shown in Figure 9, three-way valve 300 prohibits vessels 280 and 290 from being decoupled from each other and still allow dispensing. Moreover, if vessels 280 and 290 were decoupled from each other the material in each of the vessels would leak out, and thus the Liston device would not work for its intended purpose. According to Figure 9, the three-way valve 300 prevents such leaking. Therefore, Liston fails to teach or suggest the limitation of "decoupling

(emphasis provided). Support for this limitation can be found, for example, in Figs. 2 and 4 of the specification.

Furthermore, Applicants respectfully submit that Hamblin fails to disclose the limitation of "decoupling said second syringe from said first syringe so as to permit manipulation of said second syringe." Thus, Applicants submit that the Liston and Hamblin, individually, or when combined, in any combination, fail to teach or suggest each and every element of claim 50.

In addition, Applicants submit that Liston and Hamblin cannot properly be combined under 35 U.S.C. §103(a). This is because Liston is directed to a specimen dispenser, whereas Hamblin is directed to laser-activated protein solders. Hence, one of ordinary skill in the art would not have been motivated to combine the teachings of Liston and Hamblin.

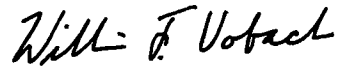
For at least these reasons, the rejection of claim 50 is respectfully traversed. Claim 50 is believed to be in condition for allowance as written. Similarly, claims 51-54 are believed to be in condition for allowance at least by virtue of their dependence on allowable claim 50.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



William F. Vobach
Reg. No. 39,411

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300

WFV:klb
61103170 v1